UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,498	11/22/2000	Soheila Abdolbaghian	71403-250555	3375

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EXAMINER
BAROT, BHARAT

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/721,498	ABDOLBAGHIAN ET AL.
	Examiner	Art Unit
	Bharat N Barot	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 November 2000*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103(a)

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject matter
as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall
not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of
the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of
the various claims was commonly owned at the time any inventions covered therein
were made absent any evidence to the contrary. Applicant is advised of the obligation
under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was
not commonly owned at the time a later invention was made in order for the examiner to
consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior
art under 35 U.S.C. 103(a).

3.   Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dien (U.S. Patent No. 6,112,320) in view of Hughes et al (U.S. Patent No. 6,434,612).

4.   As to claim 1, Dien discloses an application management system comprising: a

first computer configured to host an application; a user terminal; a communication

network, the first computer communicatively associated with the user terminal through

the communication network; an computer-executable application, wherein at least a

portion of the application is executed by the first computer; and a computer-executable

keep-alive function hosted by, the user terminal, the keep-alive function configured to

cause the user terminal to transmit a message to the first computer within a period

based on the timeout period (abstract; summary of the invention; figures 1-2 and 4-5;

column 2 lines 34-65; and column 3 lines 3-20).

          However, Dien does not disclose a computer-executable timeout function hosted

by the first computer, the timeout function configured to cause the first computer to

terminate the application if a keep-alive input is not received by the first computer within

a timeout period.

          Hughes et al discloses a computer-executable timeout function hosted by

the first computer, the timeout function configured to cause the first computer to

terminate the application if a keep-alive input is not received by the first computer within

a timeout period (figures 4 and 14; column 5 line 60 to column 6 line 16; column 13 lines

41-52; column 14 line 50 to column 15 line 20).

          It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Hughes et al stated above in the

application management system of Dien as stated above because it would have

improved managing and controlling a network switch and limit the flexibility and performance scalability of the network.

5.   As to claims 2-3, Dien discloses that the message is said keep-alive input; and the first computer is a server, and the user terminal establishes communication with the first computer by sending the first computer a session initiation request (figures 1-2; and column 2 lines 34-65; and column 3 lines 3-20).

6.   As to claims 4-6, Dien discloses that the keep-alive function collects timeout information related to the application; the keep-alive input has a content and a format; and at least one of the content and the format is based on the timeout information; and the timeout information includes information related to the timeout period (figures 3-5; and column 2 line 34 to column 3 line 22).

7.   As to claim 7, Hughes et al disclose that the first computer maintains an application timeout clock, the timeout function terminating the application when the timeout clock reaches a specified state and the application timeout clock being reset when the first computer receives a keep-alive input, and the timeout information includes information related to a current state of the timeout clock (figures 4 and 14; column 5 line 60 to column 6 line 16; column 13 lines 41-52; column 14 line 50 to column 15 line 20).

8.   As to claims 8-11, Dien discloses that the keep-alive function maintains a keep-

alive function timeout clock and the keep-alive input is transmitted to the first computer

when the keep-alive function timeout clock reaches a specified state (figures 3-5; and

column 2 line 34 to column 3 line 22); Hughes et al disclose that the first computer

maintains an application timeout clock, the timeout function terminating the application

when the timeout clock reaches a specified state and the application timeout clock

being reset when the first computer receives a keep-alive input, the keep-alive function

collects timeout information related to the application, the timeout information including

information related to a current state of the application timeout clock, and the keep-alive

function timeout clock is set based on the timeout information(figures 4 and 14; column

5 line 60 to column 6 line 16; column 13 lines 41-52; column 14 line 50 to column 15

line 20); Dien also discloses that the keep-alive function timeout clock is reset when the

application timeout clock has been reset; and the keep-alive function timeout clock is

reset when the user performs an action to keep the application alive (figures 3-5; and

column 2 line 34 to column 3 line 22).

9.   As to claim 12, Dien discloses that the keep-alive function causes a query to be

sent to a user seeking authorization from the user to transmit the keep-alive input to the

first computer (figures 1 and 3; and column 2 lines 34-65).

10.   As to claims 13-15, Dien discloses that the keep-alive function is launched upon

the occurrence of a triggering event; the triggering event is launching of a second

computer-executable application; and the keep-alive function is launched when a user performs an activation action (figures 1-5; and column 2 line 34 to column 3 line 22).

11.   As to claim 16, Dien discloses that the message is a status query message related to the application (column 3 lines 3-20).

12.   As to claims 17-28, they are also rejected for the same reasons set forth to rejecting claim s 2-15 above.

13.   As to claim 29, Dien discloses that the user terminal is a second computer (figures 1-2).

14.   As to claims 30-35, they are also rejected for the same reasons set forth to rejecting claims 1-2, 4-7, and 13-15 above, since claims 30-35 are merely a method of operation for the apparatus defined in the claims 1-2, 4-7, and 13-15.

15.   As to claim 36, it is also rejected for the same reasons set forth to rejecting claims 1, 12, and 16 above, since claim 36 is merely a method of operation for the apparatus defined in the claims 1, 12, and 16.

Additional References

16.   The examiner as of general interest cites the following references.

   a.   Besaw et al, U.S. Patent No. 6,567,852.

   b.   Guenthner et al, U.S. Patent No. 6,134,588.

Contact Information

17.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

   Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

Art Unit 2155

March 23, 2004

BHARAT BAROT
PRIMARY EXAMINER